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Committee on the Elimination of Discrimination against Women
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Summary record of the 1507th meeting
Held at the Palais des Nations, Geneva, on Thursday, 6 July 2017, at 3 p.m.

Chair: Ms. Leinarte

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Romania (*continued*) (CEDAW/C/ROU/7-8; CEDAW/C/ROU/QPR/7-8)

Articles 1 to 6 (*continued*)

1. *At the invitation of the Chair, the delegation of Romania took places at the Committee table.*

2. **Ms. Acar** asked what the time frame was for the adoption of legislation to transpose the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) into domestic law, whether the legislation covered all forms of gender-based violence, whether mediation was used in cases of gender-based violence, and whether women were required to provide proof of abuse in order to be admitted to shelters. She would appreciate information on training on gender-based violence for police officers and other professionals.

3. **Ms. Halperin-Kaddari** noted the severe shortage of shelters in Romania for victims of domestic violence. She wished to know whether unmarried women living with partners could be granted protection orders, whether orders could be issued in emergencies and whether the revision of the risk assessment process for police officers would reduce the average time taken to issue an order. She would welcome information on the status of legislation to categorize certain harmful practices, including forced marriage and female genital mutilation, as forms of gender-based violence.

4. **Ms. Hofmeister**, noting that the names of witnesses in domestic violence cases had been published online, requested information on witness protection procedures. She would also appreciate information on police officers who collaborated in trafficking in persons.

5. **Ms. Drăghici** (Romania) said that the amendments to legislation on equal opportunities and gender-based violence would be voted on in October 2017. The National Agency for Equal Opportunities for Women and Men was discussing the application of the legislation with the relevant stakeholders, and had planned additional debates with police officers, judges, NGO representatives and employees of the Ministry of the Interior. With funding from the European Union, the Agency had also provided training on equal opportunities to over 1,200 experts from various fields. In addition, legislation had been introduced to criminalize all forms of abuse, including physical and sexual abuse.

6. As ordinary protection orders could take several weeks to issue, the introduction of emergency protection orders would allow police officers to take immediate measures to protect victims of domestic violence, once the risk assessment forms had been completed. They would also enable police officers to evict aggressors, so that victims were able to remain in their own homes while receiving advice and protection from dedicated teams. The identity of victims was protected.

7. **Ms. Cîrstea** (Romania) said that, in compliance with civil procedural rules, the personal data of witnesses, parties, plaintiffs and defendants was made available on court websites.

8. **Mr. Petrescu** (Romania) said that the amended Criminal Code had introduced two new categories of witness: the witness under threat and the protected witness. Under the country's witness protection programme, the whereabouts of the witness were kept secret. Information on victims could be classified if they or the prosecutor requested it. That procedure was widely used in cases of trafficking in persons.

9. **Ms. Drăghici** (Romania) said that the Government had committed to building 20 additional shelters for the victims of domestic violence. While existing shelters operated as emergency accommodation, the new shelters would form a network of protected housing that would allow women to transfer to shelters in different provinces in order to access training or employment. New legislation was to be enacted to govern the network, and it

was hoped that the relevant NGOs would be involved in the process. The eight regions of Romania would each host a rehabilitation centre for perpetrators of domestic victims of violence and centres for rape victims in suitable hospitals.

10. **Ms. Petrescu** (Romania) said that the Criminal Code provided for the monitoring, accompaniment and protection of witnesses. Moreover, the Ministry of Justice intended to introduce legislation criminalizing forced marriage and female genital mutilation. With funding from Norway, the Ministry had carried out projects to provide services for victims of gender-based violence and training for specialists in the field. Judges, prosecutors and police officers had also received ongoing training in seminars organized by the National Magistracy Institute.

Articles 7 to 9

11. **Ms. Hofmeister**, noting the low percentage of women in parliament, government, the diplomatic service and the judiciary, asked what steps had been taken to raise awareness of women's participation in public life. She would appreciate information on the numbers of female diplomats and ambassadors, and on training programmes for female leaders. She also wished to know how female human rights defenders, activists and NGO employees were treated in Romania.

12. **Ms. Dimitrescu** (Romania) said that quotas had been proposed to ensure that 30 per cent of election candidates were female, and to increase the number of women on boards of directors. Discussions on the matter had been held with the Bucharest stock exchange. Female representation in local and central administration had improved, although men continued to occupy the majority of posts.

13. **Ms. Drăghici** (Romania) said that the increase in the percentage of women elected to parliament between 2012 and 2016, from 12 to 21 per cent, had been achieved without regulations on female electoral candidates, indicating a positive change in the national mindset.

14. **Ms. Cîrstea** (Romania) said that, in cooperation with the UN-Women HeForShe campaign, leadership programmes had been organized to involve young people in public life. Romanian women held leadership positions in embassies, consulates general and special missions, although a gender gap remained.

Articles 10 to 14

15. **Ms. Hayashi** said that a holistic approach should be adopted to eliminate intersecting forms of discrimination in education and to improve participation in education among vulnerable groups, including children from poor families, Roma children and children with disabilities. She would welcome disaggregated data to explain the discrepancy in access to education between children in urban and rural areas, despite legislation prohibiting discrimination on the grounds of place of birth or residence.

16. In view of the high percentage of early school-leavers in Romania, she would welcome information on the secondary school dropout rate, as well as on measures taken to reduce the dropout rate among girls, particularly those from vulnerable groups. She asked what measures were in place to encourage women to study science and mathematics and ensure that women's employment reflected their academic achievement. She also requested information on strategies to increase awareness of gender equality among teachers and to amend textbooks containing gender stereotypes or insufficient information on women from ethnic minorities.

17. **Ms. Hofmeister**, noting that Romania did not fulfil its legal requirement to ensure equal pay for equal work, requested information on women's attitudes to salary discrepancies. As the percentage of women in decision-making positions remained low and women continued to perform the majority of domestic duties, she asked what was being done to ensure that men and women were able to balance work and family life. She also wished to know what measures were in place to prevent harassment and discrimination against women in the workplace. In addition, she would welcome information on the "Second Chance" programme.

18. **Ms. Verges** said that the State party's falling rate of contraception usage and high rates of abortion, teenage pregnancy and maternal mortality were of concern. She would like some information on the implementation of programmes to improve maternal health and facilitate access to health care for women and girls, particularly those living on the street. She would also like to know what steps had been taken to promote reproductive health and boost efforts to prevent the spread of HIV/AIDS.

19. Access to health care and health insurance remained difficult for vulnerable groups such as Roma women, women in rural areas and women with HIV/AIDS. She would welcome statistics on access to basic health care and health insurance.

20. **Ms. Munteanu** (Romania) said that the gender disparity indicators were in fact in favour of girls. The indicators had been monitored and assessed in the national report on the status of pre-university and tertiary education. The development of the indicators was followed closely and compared at five-year intervals. There were no issues concerning the representation of women among teaching staff, since women held positions at all levels, including as school inspectors. Recent statistics had found that 50 per cent of staff in tertiary education were women. Nonetheless, there were gender disparities at management level; that fact was part of the reality of life in Romania and was not due to discrimination or women failing to present themselves as candidates for such positions.

21. The school dropout rate was high compared to other European Union member States. The Ministry of Education, with funding from the European Social Fund, had drafted a national strategy to reduce the school dropout rate, which had been implemented over the previous two years and had yielded positive results. Education-related problems among vulnerable groups, including the Roma community, residents of rural areas and children with disabilities, were due to a range of issues at the national level, rather than a lack of initiatives. Other measures taken as part of the Government's education strategy included a revision of the preschool education framework to make school more interesting for children; the "Second Chance" programme to provide education to those who had not completed primary or secondary education; afterschool activities; and the "Milk and Croissant" programme. A new curriculum, approved in 2016, addressed the issue of segregation and took the interests of Roma communities into account. The curriculum was currently being implemented.

22. **Ms. Vlad** (Romania) said that since 2010, an allowance programme had been in place for low-income families to encourage school attendance and reduce the dropout rate. The amount of the allowance decreased when children failed to attend school.

23. Law No. 76/2002 contained anti-discrimination provisions in the area of employment, thus ensuring equal opportunities for all. Measures were in place to create jobs and increase employment opportunities, as well as to assist young people in joining the labour market.

24. **Ms. Nemeş** (Romania) said that, with regard to concrete measures to help balance work and family life, an amendment to the law on social assistance was currently awaiting the approval of various government ministries. Under the amendment, social welfare benefits would be granted to dependent elderly persons to enable them to pay their carer, in recognition of the fact that women traditionally cared for older persons and children, which affected women's ability to enter the labour market. In addition, nurseries had been established as part of the public services provided at community level, with funding from local councils.

25. **Ms. Drăghici** (Romania) said that there were also early education centres designed to enable mothers to re-enter the labour market. In order to place their child in such centres, mothers had to provide proof, within six months, that they had returned to work. There were 14 such centres in Bucharest; they had been built with European funds and were run by the municipal authorities. The initiative would ultimately be rolled out at national level.

26. Entitlement to health care was guaranteed under the Constitution. However, the decreasing birth rate over the preceding 10 years and increasing life expectancy had resulted in an ageing population, posing challenges for the health-care system and access to it. Another category of services thus needed to be provided for elderly persons. Romania

had the highest incidence of cervical cancer in Europe and breast cancer was the second most common cause of death. The Government had introduced an ambitious national health-care strategy, part of which was designed to change attitudes towards female patients. National screening programmes for cervical and breast cancer had been developed, whereby women had to undergo Pap smears and mammograms once a year. Perinatal, neonatal and maternal mortality indicators were alarming; the Government had therefore introduced a programme to screen pregnant women for health issues affecting newborns, given the prevalence of Down, Edward and Patau syndromes, which had previously not been covered by the health budget. Women were also encouraged to undertake DNA tests through amniocentesis to check for abnormalities. The provision of 3,000 fully equipped ambulances to communities in remote areas would improve pregnant women's access to health care, which was particularly difficult in winter. In 2011, 70 hospitals had been closed without a prior assessment of the impact on remote communities.

27. **Ms. Petrescu** (Romania) said that men and women were able to sit exams for the magistracy under conditions of transparency and equality, in accordance with Law 303/2004 on the statute of judges and prosecutors. There was no wage discrimination against female judges or prosecutors. Sexual harassment and abuse were defined as offences in the Criminal Code; sentences of between three months and seven years in prison, as well as disqualification from public service, were applicable to such offences.

28. **Ms. Song**, noting the importance of poverty reduction and the economic empowerment of women in ensuring the prosperity and well-being of all persons, said that she commended the State party's efforts in that regard, notably the National Strategy for Poverty Reduction for 2015-2020. With regard to water supply in rural areas, she wondered whether the State party had held discussions with civil society, and local women in particular, when developing the relevant programme. Had women's needs and aspirations been fully considered in the programme? She also wished to know what percentage of women in rural areas had access to safe drinking water. Given that, according to alternative sources, extreme poverty affected a significant proportion of the Romanian female population, she wished to hear what strategies the country had taken to combat poverty among women, and asked what financial credit was available to women for entrepreneurship or income-generating activities. Furthermore, she would welcome comments on reports from alternative sources that the allocation criteria for State family allowances had a disproportionately negative impact on women and female-headed households, putting them at risk of poverty.

29. **Ms. Acosta Vargas** said the fact that many Romanians lived in rural areas gave the State party the opportunity to show its commitment to complying with the 2030 Agenda for Sustainable Development. The Committee was aware that many health services in rural areas had been privatized, and she would like to know whether that was also true of gynaecological services. Given that, according to alternative sources, there were no public day-care services for children, she wondered how mothers in rural areas were able to work. Were there specific policies to encourage the participation of women in the labour market?

30. Noting that access to and control of land were essential in raising the living standards of women in rural areas and guaranteeing their participation in rural development, she wished to know what financial programmes existed to facilitate women's access to land. What percentage of women owned land? What forms of contract governed land use? She also wished to know whether there were programmes to introduce technologies to increase the profitability of rural women's activities. Furthermore, she asked whether there were any specific women's organizations in rural areas that worked with the State to enhance the living conditions of rural women.

31. Acknowledging the progress that had been made in terms of policies for Roma women and girls, she said that it would be useful to hear the opinions of Roma women themselves on the implementation of such policies. Were there consultation mechanisms? She wished to know whether hostile incidents and discourse directed at the Roma community had ceased. Alternative sources claimed that a high percentage of Roma women did not have identity documents, which limited their access to health care, education and justice, and caused difficulties when they tried to register the births of their children. What measures had been taken to address such a serious violation of Roma women's rights?

32. In view of the serious allegations concerning the forced institutionalization of persons with mental disabilities, as reported by the Committee against Torture in 2015 (CAT/C/ROU/CO/2), she wished to know whether any investigations had been conducted or any legal proceedings brought against the perpetrators of those rights violations. She also wished to know whether any penalties had been imposed on the perpetrators and whether any reparations had been made following inhumane treatment on psychiatric wards, which on numerous occasions had led to the death of patients.

33. While welcoming the bill on social assistance for those who looked after the elderly, she said that further information on the current policy to recognize the unpaid work of women who looked after the older population would be helpful.

34. **Ms. Vlad** (Romania) said that the welfare system was well developed and the right to social assistance was guaranteed under Law 292/2011 to all those in, or at risk of, poverty or social exclusion. The coverage provided included a social allowance, a family allowance and a heating allowance. Entitlements were calculated on the basis of the difference between net income and the minimum net income as stipulated by law. Benefits such as the child-raising allowance were available to working mothers or fathers who took maternity or paternity leave for up to two years, or three years if the child had disabilities, on condition that the parents had worked for 12 months in the two years before the birth of the child. The benefits amounted to 85 per cent of the average net income over the preceding 12 months. A monetary incentive was available to mothers of children under 3 years of age who returned to work 60 days before the end of maternity leave. Further measures were under consideration to support families with children and achieve a balance between work and family life.

35. **Ms. Nemeș** (Romania) said that the Government had three instruments for promoting social inclusion and reducing poverty, namely the National Strategy for Poverty Reduction for 2015-2020; the governance programme, which was aimed at vulnerable groups in particular; and a joint order of the Ministry of Health, the Ministry of Education and the Ministry of Labour. The strategy for social inclusion set out measures for various specific categories of vulnerable people, since certain regions were disproportionately affected by poverty, most notably rural areas. A project currently under development was aimed at integrating social services in marginalized communities and deploying teams of specialists in various fields, including social workers, nurses and school councillors, to improve access to primary services by vulnerable groups.

36. **Ms. Drăghici** (Romania) said that 20,000 social sector professionals would receive training on social protection as part of the aforementioned project.

37. **Ms. Petrescu** (Romania) said that the law did not discriminate between men and women in terms of ownership or purchase of land or real estate. Women in rural areas were fully entitled to access the justice system at any time.

38. **Ms. Șoavă** (Romania) said that since 2009 the Ministry of Business, Commerce and Entrepreneurship had implemented the "Woman Manager" entrepreneurship programme, which provided finance for women to attend workshops and to set up companies. The Ministry also funded a programme to improve companies' economic and technical performance, with the participation of 1,400 small and medium-sized enterprises (SMEs), leading to the creation of 3,400 jobs of which 1,800 were held by women. Another programme promoted the establishment of SMEs by first-time entrepreneurs, resulting in the creation of 2,550 companies and over 9,000 jobs, including more than 6,000 held by women. The Ministry had also launched perhaps its most ambitious financing initiative in 25 years, which aimed to provide a €44,000 grant to 10,000 new companies, potentially creating 10,000 jobs, of which half would be held by women.

39. **Ms. Drăghici** (Romania) said that public gynaecology services were adequately equipped and staffed, although the public health system as a whole had been weakened by the departure of 20,000 physicians to other European Union countries following the accession of Romania to the bloc. Low pay in the public health system had been a contributing factor in that trend, which represented a significant loss of financial and human capital for the country. Nevertheless, free gynaecological and obstetric services remained

available for women, while a programme was under way to modernize maternity hospitals in all counties.

40. **Ms. Şoavă** (Romania) said that the Ministry of Business, Commerce and Entrepreneurship was grateful to the Government of Switzerland for its cooperation in implementing the Romanian-Swiss Programme for SMEs, whereby soft loans were provided to support the development of businesses operating in the health, tourism, commerce and manufacturing sectors. Concerning rural women, the Ministry of Agriculture and Rural Development had established two lines of financing which had awarded credit to more than 900 small farming projects with 3,000 beneficiaries — including 145 women — in keeping with the Government's decision to develop SMEs through the provision of entrepreneurial support and funding for women, persons with disabilities and other disadvantaged groups. Meanwhile, the Ministry of Regional Development and Public Administration had implemented over 8,500 integrated projects in conjunction with local authorities to improve water, sewerage and other infrastructure and thus address the vulnerabilities of the rural population in terms of access to clean drinking water.

41. **Ms. Acosta Vargas** said that she would appreciate clarification concerning the measures taken to address Roma women's lack of identity documents, which hindered their access to basic services and the justice system. The delegation should also comment on cases in which the rights of persons with disabilities had been violated as a result of their forced confinement in closed centres. Had any investigations been conducted into those centres, where some residents had reportedly died?

42. **Ms. Petrescu** (Romania) said that the Government recognized that the lack of identity documents was a problem, given that they were required by anyone wishing to file a complaint in the justice system. The Ministry of Foreign Affairs was responsible for issuing the documents in question. Nevertheless, all Roma women, including persons with disabilities, had the right to access to justice, while persons with intellectual impairments could do so through a legal guardian.

43. **Ms. Nemeş** (Romania) said that active social service providers were required to obtain legal accreditation proving that they complied with the relevant quality standards. One such standard aimed to prevent, identify and report cases of abuse: providers were required to follow a clear reporting procedure, taking into account the interests of beneficiaries and their legal representatives. Cases of discrimination and abuse were monitored and sanctions imposed; however, she was not aware of any violations committed against persons with disabilities in public social care centres.

44. **Ms. Verges** said she was concerned that in some areas the State party had neglected public health services while encouraging the expansion of private facilities, so that vulnerable populations were no longer covered and some women had not received care during pregnancy. She would like to know why Roma women continued to face discrimination in the area of health insurance.

45. **Ms. Drăghici** (Romania) said that, while there were some disparities between rural and urban areas, the Government aimed to develop and diversify public health-care services. Romania was a modern free-market society and private-sector health care had been evolving in a context of free competition, which was not detrimental to the public system. Free medical care was available and the right to health was guaranteed under the Constitution, while services were provided by an array of medical facilities with different specializations, levels and categories. In 2017, the Government had allocated 4 per cent of gross domestic product to health care, which included funding for the construction of a large metropolitan hospital that would provide free health care. The Government was committed to maintaining public health services on a permanent basis and was increasing salaries for all medical professionals in order to encourage practitioners working in other countries to return to Romania.

46. **Ms. Halperin-Kaddari** said she was concerned that medical practitioners often refused to provide abortion services by citing religious or conscientious objections, to the extent that procedures were not available on religious holidays. Was the Government aware of that situation and did it take steps to ensure that women in need were referred to other practitioners?

47. **Ms. Drăghici** (Romania) said that abortion was a complicated issue in Romania, where it had been banned by the communist regime until 1989. Unfortunately, some people continued to hold to the stereotypes and mindsets of that era, while information campaigns and the provision of contraceptives had proved less effective than anticipated, resulting in a large number of unwanted pregnancies and abortions. The Government was frustrated at the lack of progress but would continue its efforts in the area of sexual and reproductive health. Abortions were not available at all medical facilities, since some of them were not equipped with intensive care units to deal with surgical emergencies.

Articles 15 and 16

48. **Ms. Halperin-Kaddari** said she was concerned at reports from various sources that child marriages were taking place in Romania — and not only within the Roma community — involving a significant percentage of boys and girls under the age of 14. The problem appeared to be compounded by deficiencies in the system for the registration of marriages, which, as well as failing to prevent unofficial marriages, sometimes meant that unregistered women were unable to own land or other property. The delegation should describe what measures were being taken to tackle child marriage and unregistered marriages.

49. The Committee would be grateful for information on possible legislative measures to ensure that domestic violence against women was taken into account in divorce and child custody proceedings. Information should be provided on the financial situation of women after divorce, including measures to safeguard women's property rights under marital property systems, which the State party had not provided. The delegation should also comment on an alarming report that Romanian bar associations prohibited pro bono work.

50. **Ms. Petrescu** (Romania) said that the Government did not recognize the data concerning child marriages, which could not be officially recorded because they were illegal. The Civil Code clearly stated that the minimum age for marriage was 18 years, although young people aged 16 and 17 could marry with parental consent or a court dispensation. Concerning divorce and custody proceedings, Romanian legislation established that divorces could be recorded before a notary public or at the civil hall; custody of children could be agreed before a notary public. In contested proceedings, judges considered the timing of the separation and whether or not a protection order had been granted in favour of the female partner. An ordinance had been issued which allowed courts to entrust children to the care of the mother in the event of domestic violence. The Civil Code provided guarantees whereby a divorced woman with custody of a child would receive monthly child support equivalent to one quarter of the ex-husband's salary. The delegation did not have any information to the effect that pro bono services had been prohibited; in that regard, Government Emergency Ordinance No. 51/2008 on public legal aid in civil matters established the conditions and prerequisites for legal assistance and stipulated that the Ministry of Justice would reimburse bar associations with the amounts corresponding to the provision of free legal assistance.

51. **Ms. Dimitrescu** (Romania) said that women victims of domestic violence received psychological counselling to help them return to the labour market and regain their financial autonomy. Concerning the rights of the lesbian, gay, bisexual, transsexual and intersex (LGBTI) community, the Civil Code prohibited marriage and civil partnerships between persons of the same gender, but LGBTI persons and organizations were permitted to exercise the freedoms of association and expression, among other fundamental rights, under conditions of equality and without discrimination, including in the media and through national and international events.

52. **Ms. Drăghici** (Romania) said that an association of NGOs known as the Coalition for Family had gathered more than 3 million signatures in support of a proposal to enshrine the definition of marriage in the Constitution as "the exclusive union of a man and a woman". The Government had noted the strength of support for that petition and was awaiting the outcome of discussions concerning the final form of the proposed amendment before defining its position.

53. **Ms. Halperin-Kaddari** said that her question concerning the economic consequences of divorce related to the separation-of-property regime, which might have the

effect of infringing women's property rights. Specifically, she wished to know whether any mechanism was in place to grant divorced women rights to the property acquired during marriage under the husband's name, as well as accrued pension rights.

54. **Ms. Petrescu** (Romania) said that women should receive some form of divorce settlement regardless of the marital property regime. However, derogations from the Civil Code were not possible and divorced women would only receive the allowances stipulated under the chosen regime.

55. **Ms. Halperin-Kaddari** said that given the complexity of the issue, she would be grateful if information could be provided to the Committee in writing.

56. **Ms. Drăghici** (Romania) said that her delegation was grateful to the Committee for its questions, which had highlighted the difficulties facing Romania. The Government was firmly committed to improving its legislative framework in order to strengthen the role of women in society, and was certain that the recommendations emerging from the constructive dialogue with the Committee would be useful for the development of future public policies.

57. **The Chair** commended the State party for its efforts to eliminate all forms of discrimination against women, and urged it to take all necessary measures to put the Committee's recommendations into practice.

The meeting rose at 5.10 p.m.